

ESTTA Tracking number: **ESTTA638398**

Filing date: **11/12/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Teavana Corporation
Granted to Date of previous extension	11/12/2014
Address	3630 Peachtree Road, NW - Suite 1480 Atlanta, GA 30326 UNITED STATES

Attorney information	Julia Anne Matheson Finnegan Henderson Farabow Garrett & Dunner, LLP 901 New York Avenue, NW Washington, DC 20001 UNITED STATES docketing@finnegan.com, julia.matheson@finnegan.com, morgan.smith@finnegan.com, TTAB-Legal-Assistants@finnegan.com Phone:202-408-4000
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Applicant Information

Application No	86207048	Publication date	07/15/2014
Opposition Filing Date	11/12/2014	Opposition Period Ends	11/12/2014
Applicant	Legion, Maria Theresa 230 southgate ave Daly City, CA 94015 UNITED STATES		

Goods/Services Affected by Opposition


Class 033. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Sangria; Spirits; liquor; Wine with hard liquor and fruits


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2612225	Application Date	04/20/2001
Registration Date	08/27/2002	Foreign Priority Date	NONE

Word Mark	TEAVANA
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2000/11/10 First Use In Commerce: 2000/11/10 Retail stores and mail order services featuring teas, tea accessories, baked goods, electric and non-electric appliances, house wares, glassware, giftware, plates, bowls, storage containers, clothing, candles, musical recordings and books

U.S. Registration No.	4142152	Application Date	09/14/2011
Registration Date	05/15/2012	Foreign Priority Date	NONE
Word Mark	TEAVANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 2002/04/25 First Use In Commerce: 2002/04/25 Tin canisters sold empty for domestic use</p> <p>Class 008. First use: First Use: 2003/06/01 First Use In Commerce: 2003/06/01 Tea accessories, namely, spoons</p> <p>Class 009. First use: First Use: 2007/01/18 First Use In Commerce: 2007/01/18 Timers, measuring spoons, magnetic coded gift cards</p> <p>Class 018. First use: First Use: 2002/06/17 First Use In Commerce: 2002/06/17 Reusable shopping bags</p> <p>Class 021. First use: First Use: 2002/07/17 First Use In Commerce: 2002/07/17 Teapots made of metal, copper, ceramic, china and glass; mugs, glasses, tumblers, bowls, saucers, coasters not of paper and not being table linen, glass iced tea dispensers; tea accessories, namely, whisks, strainers, scoops; tea tool kit made of wood, comprised primarily of a mini whisk, hot lid tongs, a tea scoop, ademi spoon, a chashaku (matcha scoop used in the Japanese tea ceremony) and a bamboo container; tea canisters</p>		

	Class 030. First use: First Use: 2002/05/08 First Use In Commerce: 2002/05/08 Teas and tea blends; candies, namely, tea flavored mints; honey in the shape of a spoon; honey
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Attachments	76244041#TMSN.png(bytes) 85422400#TMSN.png(bytes) 11-12-14 FINAL Notice of Opposition with Exh. TEVIONA.pdf(1312004 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Morgan E. Smith/
Name	Morgan E. Smith
Date	11/12/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<p>TEAVANA CORPORATION,</p> <p>Opposer,</p> <p>v.</p> <p>MARIA THERESA LEGION,</p> <p>Applicant.</p>	<p>Opposition No. _____</p> <p>Serial No.: 86207048</p> <p>Filed: February 28, 2014</p> <p>Mark: TEVIONA</p>
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NOTICE OF OPPOSITION

Teavana Corporation, a Georgia corporation, with a principal place of business at 3630 Peachtree Road, NE, Suite 1480, Atlanta, Georgia 30326 ("Teavana" or "Opposer"), believes that it is being, and will be damaged by the registration of the mark shown in Application Serial No. 86207048, and hereby opposes same.

As grounds for opposition, Teavana alleges as follows, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters.

Teavana and its TEAVANA Marks

1. Opposer Teavana Corporation is a Georgia corporation with a place of business at 3630 Peachtree Road, NE, Suite 1480, Atlanta, Georgia 30326.
2. Founded in 1997, Teavana is one of the largest and best-known specialty retailers of tea and tea products in the United States. Since the launch of its first retail store under the TEAVANA mark and name on November 10, 2000, Teavana has grown

significantly in both product and service offerings and size. Its ever-expanding range of products and services include over 100 different teas and tea blends, as well as tea steeping equipment, tea accessories, tea canisters, electric and non-electric appliances, housewares, glassware, giftware, and gift cards, all offered under the coined and distinctive TEAVANA mark.

3. Teavana has longstanding common law rights in the TEAVANA mark for a wide array of goods and services as follows:

- (a) Teavana commenced use of the TEAVANA mark for tin canisters on or before April 25, 2002;
- (b) Teavana commenced use of the TEAVANA mark on tea accessories on or before June 1, 2003;
- (c) Teavana commenced use of the TEAVANA mark on timers, measuring spoons, and magnetic coded gift cards on or before January 18, 2007;
- (d) Teavana commenced use of the TEAVANA mark on reusable shopping bags on or before June 27, 2002;
- (e) Teavana commenced use of the TEAVANA mark on teapots, mugs, glasses, tumblers, bowls, sauces, coasters, iced tea dispensers, tea accessories, namely, whisks, strainers, scoops, tea tool kit made of wood, comprised primarily of a mini whisk, hot lid tongs, a tea scoop, a demi spoon, a chashaku, and a bamboo container; and tea canisters on or before July 17, 2002;
- (f) Teavana commenced use of the TEAVANA mark on tea and tea blends, candies, namely, tea-flavored mints, honey in the shape of a spoon, and honey since at least as early as May 8, 2002.

4. Teavana currently owns and operates over 300 company-owned TEAVANA-branded retail stores, of which over 250 are located in the United States. Each of these stores prominently displays Teavana's TEAVANA house mark.



5. Sales of TEAVANA products and services have grown significantly over the many years since its inception, amounting to many millions of dollars in net sales for TEAVANA-branded goods and services in 2013 alone.

6. In addition to its retail stores, Teavana maintains an active retail and educational website at www.teavana.com, on which consumers can review information on Teavana's tea products and related goods and services, obtain information on the history of tea, read the Teavana blog, and purchase Teavana's wide ranging products. Teavana registered the "teavana.com" domain name on November 8, 2000.

7. Teavana markets and offers for sale various types of sangria-inspired tea, including Sevenberry Sangria Rooibos Tea and Sangria Punch Black Tea. As a result, consumers are accustomed to encountering the TEAVANA mark in connection with sangria-type beverages.

8. In addition to its longstanding national common law rights in the TEAVANA mark for retail store services, tea room services, tea and tea-based beverages, and a wide array of related and unrelated goods, Teavana is the owner of the following United States trademark registrations for the TEAVANA marks (printouts

from the PTO TESS and TSDR databases, including Assignment information are attached as Exhibit A):

Mark	Registration No. Issue Date	Goods/Services First use in Commerce
TEAVANA	2612225 August 27, 2002	Retail stores and mail order services featuring teas, tea accessories, baked goods, electric and non-electric appliances, house wares, glassware, giftware, plates, bowls, storage containers, clothing, candles, musical recordings, and books in Class 35 First Use in Commerce: November 10, 2000
TEAVANA	4142152 May 15, 2012	Tin canisters sold empty for domestic use in Class 6 First Use in Commerce: April 25, 2002 Tea accessories, namely, spoons in Class 8 First Use in Commerce: June 1, 2003 Timers, measuring spoons, magnetic coded gift cards in Class 9 First Use in Commerce: January 18, 2007 Reusable shopping bags in Class 18 First Use in Commerce: June 17, 2002 Teapots made of metal, copper, ceramic, china and glass; mugs, glasses, tumblers, bowls, saucers, coasters not of paper and not being table linen, glass iced tea dispensers; tea accessories, namely, whisks, strainers, scoops; tea tool kit made of wood, comprised primarily of a mini whisk, hot lid tongs, a tea scoop, a demi spoon, a chashaku (matcha scoop used in the Japanese tea ceremony) and a bamboo container; tea canisters in Class 21 First Use in Commerce: July 17, 2002 Teas and tea blends; candies, namely, tea flavored mints; honey in the shape of a spoon; honey in Class 30 First Use in Commerce: May 8, 2002

9. The foregoing registrations are valid and subsisting and constitute *prima facie* evidence of the validity of the marks and registrations, of Teavana's ownership of and exclusive right to use the TEAVANA mark in commerce for the covered goods and services, and provide constructive notice of ownership thereof by Teavana.

Registration No. 2612225 has become incontestable pursuant to 15 U.S.C. §§ 1065 and 1115(b).

10. As a result of Teavana's extensive sales, promotion, advertising, and commercial success, Teavana's TEAVANA mark has achieved widespread public recognition and become well-known and famous throughout the United States.

Applicant and Her TEVIONA Mark

11. Applicant Maria Theresa Legion, is an individual of the United States with an address of 230 Southgate Ave., Daly City, California 94015.

12. On February 28, 2014, Applicant filed Intent-to-Use Application Serial No. 86207048 under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), to register the mark TEVIONA for "sangria; spirits; liquor; wine with hard liquor and fruits" in Class 33.

13. Teavana never authorized nor consented to Applicant's use or registration of the TEVIONA mark.

Likelihood of Confusion, 15 U.S.C. § 1052(d)

14. Teavana repeats and realleges each and every allegation set forth in the preceding paragraphs of this Notice of Opposition.

15. Teavana has continuously used the inherently distinctive TEAVANA mark in commerce for tea, tea-based beverages, and tea-related products since long prior to the February 28, 2014 filing date of the opposed Application Serial No. 86207048 and any date of first use that may be alleged by Applicant. Teavana's above-pleaded Registrations were also filed well prior to the filing date of the opposed application.

16. Applicant's TEVIONA mark is visually and aurally similar to Teavana's TEAVANA mark, with both marks commencing with TE-, ending with -NA, containing a

central “V” sound and letter, and comprising of seven letters. When these similarities are coupled with the parties’ closely-related goods, namely sangria-type beverages, Applicant’s TEVIONA mark creates a potential for confusion as to the source of goods offered under the respective marks.

17. The goods covered by Applicant’s TEVIONA mark are closely related to the goods covered by Teavana’s pleaded registrations.

18. The goods offered by Teavana and asserted for protection in the subject application are sold and advertised through similar channels of trade.

19. Applicant’s TEVIONA mark so resembles Teavana’s previously used and registered TEAVANA marks, as to be likely, when applied to Applicant’s goods, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052 (d).

Dilution, 15 U.S.C. § 1125(c)

20. Teavana repeats and realleges each and every allegation set forth in the preceding paragraphs of this Notice of Opposition.

21. Teavana’s TEAVANA mark is inherently distinctive and registered on the Principal Register.

22. Teavana’s TEAVANA mark is widely recognized by the general consuming public of the United States as a designation of source of the goods and services offered in connection with the mark.

23. As noted above, Teavana has used its TEAVANA mark in commerce for well over a decade, with substantial national sales and advertising, and widespread publicity concerning the mark.

24. Teavana's TEAVANA mark became famous well prior to the February 28, 2014 filing date of the opposed Application Serial No. 86207048 and any date of first use that may be alleged by Applicant.


25. Applicant's TEVIONA mark so closely resembles Teavana's famous and distinctive TEAVANA mark that is likely to dilute the distinctive quality of the TEAVANA mark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Teavana believes that it will be damaged by registration of the mark shown in Application Serial No. 86207048, and requests that the opposition be sustained, and that registration to Applicant be refused.

The filing fee has been submitted electronically. Any deficiency in the fee should be charged to our Deposit Account No. 06-0916.

Respectfully Submitted,

Dated: November 12, 2014

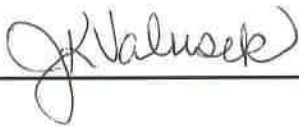
By: 
Julia Anne Matheson
Morgan E. Smith
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, NW
Washington, DC 20001-4413
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

Attorneys for Opposer
TEAVANA CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served on November 12, 2014 via first class mail, postage prepaid, on Applicant's counsel at the following address of record:

Raj Abhyanker, P.C.
1580 W. El Camino Real, Suite 8
Mountain View, California 94040-2462



Notice of Opposition
Applicant: Maria Theresa Legion
Serial No. 86207048
Mark: TEVIONA

Exhibit A



United States Patent and Trademark Office

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TESS was last updated on Mon Nov 10 03:21:03 EST 2014

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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TSDR	Assign Status	UFI Status
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 (Use the "Back" button of the Internet Browser to return to TESS)

TEAVANA

Word Mark TEAVANA
Goods and Services IC 035. US 100 101 102. G & S: Retail stores and mail order services featuring teas, tea accessories, baked goods, electric and non-electric appliances, house wares, glassware, giftware, plates, bowls, storage containers, clothing, candles, musical recordings and books.
FIRST USE: 20001110. FIRST USE IN COMMERCE: 20001110

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76244041

Filing Date April 20, 2001

Current Basis 1A

Original Filing Basis 1A

Published for Opposition June 4, 2002

Registration Number 2612225

International Registration Number 0840436

Registration Date August 27, 2002

Owner

(REGISTRANT) MACK, ANDREW INDIVIDUAL UNITED STATES P.O. BOX 12219 ATLANTA
GEORGIA 30355

(LAST LISTED OWNER) TEAVANA CORPORATION CORPORATION GEORGIA 3630
Peachtree Rd., NE SUITE 1480 ATLANTA GEORGIA 30326

**Assignment
Recorded**

ASSIGNMENT RECORDED

**Attorney of
Record**

Julia Anne Matheson

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110830.

Renewal

1ST RENEWAL 20110830

**Live/Dead
Indicator**

LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Generated on: This page was generated by TSDR on 2014-11-10 16:07:14 EST

Mark: TEAVANA

TEAVANA

US Serial Number: 76244041
US Registration Number: 2612225
Register: Principal
Mark Type: Service Mark
Status: The registration has been renewed.
Status Date: Aug. 30, 2011
Publication Date: Jun. 04, 2002
Application Filing Date: Apr. 20, 2001
Registration Date: Aug. 27, 2002

Mark Information

Mark Literal Elements: TEAVANA
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration Number: 0840436
International Application(s) /Registration(s) Based on this Property: A0000070/0840436

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Retail stores and mail order services featuring teas, tea accessories, baked goods, electric and non-electric appliances, house wares, glassware, giftware, plates, bowls, storage containers, clothing, candles, musical recordings and books

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 10, 2000

Use in Commerce: Nov. 10, 2000

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: TEAVANA CORPORATION
Owner Address: 3630 Peachtree Rd., NE
SUITE 1480
ATLANTA, GEORGIA 30326
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: GEORGIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson
Attorney Primary Email Address: docketing@finnegan.com

Docket Number: 12172.0103
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Julia Anne Matheson
Finnegan Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DISTRICT OF COLUMBIA 20001-4413
UNITED STATES

Phone: 202.408.4000
Correspondent e-mail: docketing@finnegan.com

Fax: 202.408.4400

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Aug. 21, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 21, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 09, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 08, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 30, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Aug. 30, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70131
Aug. 29, 2011	TEAS SECTION 8 & 9 RECEIVED	
Aug. 05, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 16, 2007	CASE FILE IN TIGRS	
Oct. 13, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Sep. 26, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 26, 2007	TEAS SECTION 8 & 15 RECEIVED	
Aug. 27, 2002	REGISTERED-PRINCIPAL REGISTER	
Jun. 04, 2002	PUBLISHED FOR OPPOSITION	
May 15, 2002	NOTICE OF PUBLICATION	
Feb. 25, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 28, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 29, 2001	NON-FINAL ACTION MAILED	
Jun. 26, 2001	ASSIGNED TO EXAMINER	76927

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 27, 2012

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 30, 2011

Assignment Abstract Of Title Information**Summary**

Total Assignments: 5

Registrant: MACK, ANDREW

Assignment 1 of 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2833/0876

Pages: 2

Date Recorded: Apr. 23, 2004

Supporting Documents: assignment-tm-2833-0876.pdf

Assignor

Name: MACK, ANDREW

Execution Date: Apr. 20, 2004

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee

Name: TEAVANA CORPORATION

Legal Entity Type: CORPORATION

State or Country Where
Organized: GEORGIA

Address: 3475 LENOX ROAD
SUITE 960
ATLANTA, GEORGIA 30326

Correspondent

Correspondent Name: ROBERT H. G. LOCKWOOD

Correspondent Address: 1230 PEACHTREE STREET, N.E.
SUITE 3100, PROMENADE II
ATLANTA, GA 30309-3592

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: 3408/0648

Pages: 9

Date Recorded: Oct. 13, 2006

Supporting Documents: assignment-tm-3408-0648.pdf

Assignor

Name: TEAVANA CORPORATION

Execution Date: May 19, 2006

Legal Entity Type: CORPORATION

State or Country Where
Organized: GEORGIA

Assignee

Name: PNC BANK

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Address: TWO TOWER CENTER BOULEVARD
EAST BRUNSWICK, NEW JERSEY 08816

Correspondent

Correspondent Name: CATHRYN A. BERRYMAN/JENKENS & GILCHRIST

Correspondent Address: 1445 ROSS AVE., SUITE 3700
DALLAS, TX 75202

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 3809/0178

Pages: 4

Date Recorded: Jul. 03, 2008

Supporting Documents: assignment-tm-3809-0178.pdf

Assignor

Name: PNC BANK

Execution Date: Jun. 10, 2008

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where
Organized: No Place Where Organized Found

Assignee

Name: TEAVANA CORPORATION

Legal Entity Type: CORPORATION

State or Country Where
Organized: GEORGIA

Address: 3475 LENOX ROAD
SUITE 860
ATLANTA, GEORGIA 30326

Correspondent

Correspondent Name: CHRIS L. BOLLINGER

Correspondent Address: P.O. BOX 06079
SCHIFF HARDIN LLP
CHICAGO, IL 60606-0079

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: SECURITY INTEREST
Reel/Frame: 3811/0008
Date Recorded: Jul. 07, 2008
Supporting Documents: assignment-tm-3811-0008.pdf

Pages: 28

Assignor

Name: TEAVANA HOLDINGS, INC.
Legal Entity Type: CORPORATION

Execution Date: Jun. 12, 2008
State or Country Where Organized: DELAWARE

Name: TEAVANA CORPORATION
Legal Entity Type: CORPORATION

Execution Date: Jun. 12, 2008
State or Country Where Organized: GEORGIA

Name: ST ACQUISITION COMPANY
Legal Entity Type: CORPORATION

Execution Date: Jun. 12, 2008
State or Country Where Organized: CONNECTICUT

Name: TEAVANA FRANCHISING CORPORATION
Legal Entity Type: CORPORATION

Execution Date: Jun. 12, 2008
State or Country Where Organized: GEORGIA

Name: TEAVANA INTERNATIONAL, INC.
Legal Entity Type: CORPORATION

Execution Date: Jun. 12, 2008
State or Country Where Organized: GEORGIA

Assignee

Name: FIFTH THIRD BANK
Legal Entity Type: BANKING CORPORATION

State or Country Where Organized: OHIO

Address: 222 SOUTH RIVERSIDE PLAZA
CHICAGO, ILLINOIS 60606

Correspondent

Correspondent Name: CHRIS L. BOLLINGER
Correspondent Address: P.O. BOX 06079
SCHIFF HARDIN LLP
CHICAGO, IL 60606-0079

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: RELEASE OF SECURITY AGREEMENT
Reel/Frame: 4929/0120
Date Recorded: Dec. 31, 2012
Supporting Documents: assignment-tm-4929-0120.pdf

Pages: 15

Assignor

Name: FIFTH THIRD BANK
Legal Entity Type: CORPORATION

Execution Date: Dec. 31, 2012
State or Country Where Organized: OHIO

Assignee

Name: TEAVANA HOLDINGS, INC.
Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 3630 PEACHTREE RD, NE SUITE 1480
ATLANTA, GEORGIA 30326

Name: TEAVANA CORPORATION
Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: 3475 LENOX ROAD, SUITE 860
ATLANTA, GEORGIA 30326

Name: ST ACQUISITION COMPANY
Legal Entity Type: CORPORATION

State or Country Where Organized: CONNECTICUT

Address: 3475 LENOX ROAD, SUITE 860
ATLANTA, GEORGIA 30326

Name: TEAVANA FRANCHISING CORPORATION
Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: 3475 LENOX ROAD, SUITE 860
ATLANTA, GEORGIA 30326

Name: TEAVANA INTERNATIONAL, INC.
Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: 3475 LENOX ROAD, SUITE 860
ATLANTA, GEORGIA 30326

Correspondent

Correspondent Name: IP RESEARCH PLUS, INC.
Correspondent Address: 21 TADCASTER CIRCLE
ATTN: PENELOPE J.A. AGODOA
WALDORF, MD 20602

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: 91209863

Filing Date: Mar 20, 2013

Status: Terminated

Status Date: May 14, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Zevia LLC
Correspondent Address: VALERIE BRENNAN
HOGAN LOVELLS US LLP
7930 JONES BRANCH DR FL 9
MC LEAN VA , 22102-3390
UNITED STATES
Correspondent e-mail: boxip@hoganlovells.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TEAVIA	Abandoned - After Inter-Partes Decision	<u>85661534</u>	

Plaintiff(s)

Name: Teavana Corporation
Correspondent Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVENUE NW
WASHINGTON DC , 20001-4413
UNITED STATES

Correspondent e-mail: Julia.Matheson@finnegan.com , Linda.McLeod@finnegan.com , Whitney.Cooke@finnegan.com , Pamela.Neal@finnegan.com , docteling@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TEAVANA	Renewed	<u>76244041</u>	<u>2612225</u>
TEAVANA	Registered	<u>85422400</u>	<u>4142152</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 20, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 20, 2013	Apr 29, 2013
3	PENDING, INSTITUTED	Mar 20, 2013	
4	W/DRAW OF APPLICATION	Apr 29, 2013	
5	BD DECISION: DISMISSED W/O PREJ	May 14, 2013	
6	TERMINATED	May 14, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91209865

Filing Date: Mar 20, 2013

Status: Terminated

Status Date: Jul 22, 2013

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Argo Tea, Inc.

Correspondent Address: DAVID J MARR
CLARK HILL PLC
150 N MICHIGAN AVE STE 2700
CHICAGO IL , 60601-7576
UNITED STATES

Correspondent e-mail: dmarr@clarkhill.com , mkitz@clarkhill.com , jwoods@clarkhill.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TEANA COLADA	Abandoned - After Inter-Partes Decision	<u>85660367</u>	

Plaintiff(s)

Name: Teavana Corporation

Correspondent Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVENUE NW
WASHINGTON DC , 20001-4413
UNITED STATES

Correspondent e-mail: julia.matheson@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TEAVANA	Renewed	<u>76244041</u>	<u>2612225</u>
TEAVANA	Registered	<u>85422400</u>	<u>4142152</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 20, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 20, 2013	Apr 29, 2013
3	PENDING, INSTITUTED	Mar 20, 2013	
4	STIP FOR EXT	Apr 29, 2013	
5	EXTENSION OF TIME GRANTED	Apr 29, 2013	
6	STIP FOR EXT	May 29, 2013	
7	EXTENSION OF TIME GRANTED	May 29, 2013	
8	STIP FOR EXT	Jun 27, 2013	
9	EXTENSION OF TIME GRANTED	Jun 27, 2013	
10	W/DRAW OF APPLICATION	Jul 03, 2013	
11	BD DECISION: SUSTAINED	Jul 22, 2013	
12	TERMINATED	Jul 22, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91205711

Filing Date: Jun 20, 2012

Status: Terminated

Status Date: Dec 18, 2012

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: TEALAMA, LLC

Correspondent Address: LAURIE A RAMSAY
TEALAMA LLC
3753 IRVINGTON AVENUE
MIAMI FL , 33122-1343
UNITED STATES

Correspondent e-mail: laurielarlaw@aol.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TEALAMA	Abandoned - After Inter-Partes Decision	<u>85415294</u>	

Plaintiff(s)**Name:** Teavana Corporation**Correspondent Address:** ROBERT H G LOCKWOOD
BURR & FORMAN LLP LLP
171 SEVENTEENTH STREET NW, SUITE 1100
ATLANTA GA , 30363
UNITED STATES**Correspondent e-mail:** rlockwood@burr.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TEAVANA	Renewed	<u>76244041</u>	<u>2612225</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 20, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 20, 2012	Jul 30, 2012
3	PENDING, INSTITUTED	Jun 20, 2012	
4	ANSWER	Jul 30, 2012	
5	CHANGE OF CORRESPONDENCE ADDRESS	Oct 24, 2012	
6	WITHDRAWAL OF APPLICATION	Nov 29, 2012	
7	BD'S DECISION: DISMISSED W/O PREJUDICE	Dec 18, 2012	
8	TERMINATED	Dec 18, 2012	

Type of Proceeding: Opposition**Proceeding Number:** 91200460**Filing Date:** Jun 29, 2011**Status:** Terminated**Status Date:** Jul 26, 2011**Interlocutory Attorney:** GEORGE POLOGEORGIS**Defendant****Name:** Ahmed Mohamed Saleh Baeshen & Co.**Correspondent Address:** PATRICK J JENNINGS
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N ST NW
WASHINGTON DC , 20037-1122
UNITED STATES**Correspondent e-mail:** dctm@pillsburylaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TEAYANA	Abandoned - After Inter-Partes Decision	<u>85072591</u>	

Plaintiff(s)**Name:** Teavana Corporation**Correspondent Address:** ROBERT HG LOCKWOOD
MILLER & MARTIN PLLC
1170 PEACHTREE STREET NE, SUITE 800
ATLANTA GA , 30309-7706
UNITED STATES**Correspondent e-mail:** trademarknotices@millermartin.com , rlockwood@millermartin.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TEAVANA	Renewed	<u>76244041</u>	<u>2612225</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 29, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 01, 2011	Aug 10, 2011
3	PENDING, INSTITUTED	Jul 01, 2011	
4	P'S CERTIFICATE OF SERVICE	Jul 06, 2011	
5	WITHDRAWAL OF APPLICATION	Jul 25, 2011	

6 BOARD'S DECISION: SUSTAINED
7 TERMINATED

Jul 26, 2011
Jul 26, 2011



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TSDR	AVAIL STATUS	FINAL STATUS
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TEAVANA

**Word Mark
Goods and
Services**

TEAVANA

IC 006. US 002 012 013 014 023 025 050. G & S: Tin canisters sold empty for domestic use. FIRST USE: 20020425. FIRST USE IN COMMERCE: 20020425

IC 008. US 023 028 044. G & S: Tea accessories, namely, spoons. FIRST USE: 20030601. FIRST USE IN COMMERCE: 20030601

IC 009. US 021 023 026 036 038. G & S: Timers, measuring spoons, magnetic coded gift cards. FIRST USE: 20070118. FIRST USE IN COMMERCE: 20070118

IC 018. US 001 002 003 022 041. G & S: Reusable shopping bags. FIRST USE: 20020617. FIRST USE IN COMMERCE: 20020617

IC 021. US 002 013 023 029 030 033 040 050. G & S: Teapots made of metal, copper, ceramic, china and glass; mugs, glasses, tumblers, bowls, saucers, coasters not of paper and not being table linen, glass iced tea dispensers; tea accessories, namely, whisks, strainers, scoops; tea tool kit made of wood, comprised primarily of a mini whisk, hot lid tongs, a tea scoop, a demi spoon, a chashaku (matcha scoop used in the Japanese tea ceremony) and a bamboo container; tea canisters. FIRST USE: 20020717. FIRST USE IN COMMERCE: 20020717

IC 030. US 046. G & S: Teas and tea blends; candies, namely, tea flavored mints; honey in the shape of a spoon; honey. FIRST USE: 20020508. FIRST USE IN COMMERCE: 20020508

**Standard
Characters**

Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85422400
Filing Date September 14, 2011
Current Basis 1A
Original Filing Basis 1A
Published for Opposition February 28, 2012
Registration Number 4142152
Registration Date May 15, 2012
Owner (REGISTRANT) Teavana Corporation CORPORATION GEORGIA Suite 1480 3630 Peachtree Rd NE Atlanta GEORGIA 30326
Attorney of Record Julia Anne Matheson
Prior Registrations 2612225
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
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Mark: TEAVANA

TEAVANA

US Serial Number: 85422400
US Registration Number: 4142152
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: May 15, 2012
Publication Date: Feb. 28, 2012

Application Filing Date: Sep. 14, 2011

Registration Date: May 15, 2012

Mark Information

Mark Literal Elements: TEAVANA
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 2612225

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Tin canisters sold empty for domestic use

International Class(es): 006 - Primary Class

U.S Class(es): 002, 012, 013, 014, 023, 025, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 25, 2002

Use in Commerce: Apr. 25, 2002

For: Tea accessories, namely, spoons

International Class(es): 008 - Primary Class

U.S Class(es): 023, 028, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2003

Use in Commerce: Jun. 01, 2003

For: Timers, measuring spoons, magnetic coded gift cards

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 18, 2007

Use in Commerce: Jan. 18, 2007

For: Reusable shopping bags

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 17, 2002

Use in Commerce: Jun. 17, 2002

For: Teapots made of metal, copper, ceramic, china and glass; mugs, glasses, tumblers, bowls, saucers, coasters not of paper and not being table linen, glass iced tea dispensers; tea accessories, namely, whisks, strainers, scoops; tea tool kit made of wood, comprised primarily of a mini whisk, hot lid tongs, a tea scoop, a demi spoon, a chashaku (matcha scoop used in the Japanese tea ceremony) and a bamboo container; tea canisters

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 17, 2002

Use in Commerce: Jul. 17, 2002

For: Teas and tea blends; candies, namely, tea flavored mints; honey in the shape of a spoon; honey

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: May 08, 2002

Use in Commerce: May 08, 2002

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Teavana Corporation

Owner Address: Suite 1480
3630 Peachtree Rd NE
Atlanta, GEORGIA 30326
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Julia Anne Matheson

Docket Number: 12172.0023

Attorney Primary Email Address: docketing@finnegan.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Julia Anne Matheson
Finnegan Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DISTRICT OF COLUMBIA 20001-4413
UNITED STATES

Phone: 202.408.4000

Fax: 202.408.4400

Correspondent e-mail: docketing@finnegan.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 21, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 21, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 15, 2012	REGISTERED-PRINCIPAL REGISTER	
Feb. 28, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 28, 2012	PUBLISHED FOR OPPOSITION	
Feb. 08, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 25, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Jan. 23, 2012	ASSIGNED TO LIE	66213
Jan. 04, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 04, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 04, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328

Jan. 04, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 04, 2012	EXAMINERS AMENDMENT -WRITTEN	76509
Dec. 30, 2011	ASSIGNED TO EXAMINER	76509
Sep. 19, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 17, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 15, 2012

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91209863

Filing Date: Mar 20, 2013

Status: Terminated

Status Date: May 14, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Zevia LLC

Correspondent Address: VALERIE BRENNAN
HOGAN LOVELLS US LLP
7930 JONES BRANCH DR FL 9
MC LEAN VA , 22102-3390
UNITED STATES

Correspondent e-mail: boxip@hoganlovells.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TEAVIA	Abandoned - After Inter-Partes Decision	<u>85661534</u>	

Plaintiff(s)

Name: Teavana Corporation

Correspondent Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVENUE NW
WASHINGTON DC , 20001-4413
UNITED STATES

Correspondent e-mail: Julia.Matheson@finnegan.com , Linda.McLeod@finnegan.com , Whitney.Cooke@finnegan.com , Pamela.Neal@finnegan.com , docting@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TEAVANA	Renewed	<u>76244041</u>	<u>2612225</u>
TEAVANA	Registered	<u>85422400</u>	<u>4142152</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 20, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 20, 2013	Apr 29, 2013
3	PENDING, INSTITUTED	Mar 20, 2013	
4	W/DRAW OF APPLICATION	Apr 29, 2013	
5	BD DECISION: DISMISSED W/O PREJ	May 14, 2013	
6	TERMINATED	May 14, 2013	

Type of Proceeding: Opposition

Proceeding Number: 91209865

Filing Date: Mar 20, 2013

Status: Terminated

Status Date: Jul 22, 2013

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Argo Tea, Inc.

Correspondent Address: DAVID J MARR
CLARK HILL PLC
150 N MICHIGAN AVE STE 2700
CHICAGO IL , 60601-7576
UNITED STATES

Correspondent e-mail: dmarr@clarkhill.com , mkitz@clarkhill.com , jwoods@clarkhill.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TEANA COLADA	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>85660367</u>	

Name: Teavana Corporation

Correspondent Address: JULIA ANNE MATHESON
FINNEGAN HENDERSON FARABOW GARRETT & DUNNER LLP
901 NEW YORK AVENUE NW
WASHINGTON DC , 20001-4413
UNITED STATES

Correspondent e-mail: julia.matheson@finnegan.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TEAVANA	Renewed	<u>76244041</u>	<u>2612225</u>
TEAVANA	Registered	<u>85422400</u>	<u>4142152</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 20, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 20, 2013	Apr 29, 2013
3	PENDING, INSTITUTED	Mar 20, 2013	
4	STIP FOR EXT	Apr 29, 2013	
5	EXTENSION OF TIME GRANTED	Apr 29, 2013	
6	STIP FOR EXT	May 29, 2013	
7	EXTENSION OF TIME GRANTED	May 29, 2013	
8	STIP FOR EXT	Jun 27, 2013	
9	EXTENSION OF TIME GRANTED	Jun 27, 2013	
10	W/DRAW OF APPLICATION	Jul 03, 2013	
11	BD DECISION: SUSTAINED	Jul 22, 2013	
12	TERMINATED	Jul 22, 2013	